

**PUBLIC SAFETY DEPARTMENT[661]**

**Adopted and Filed**

**Rule making related to fire service training bureau  
and fire fighter training, certification, and funds**

The Public Safety Department hereby amends Chapter 53, “Fire Service Training Bureau,” Chapter 251, “Fire Fighter Training and Certification,” and Chapter 259, “Fire Fighter Training and Equipment Funds,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code chapter 100B and section 80.9.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 100B and section 80.9.

*Purpose and Summary*

The purpose of amending Chapter 53 is to remove contact references for the fire service training bureau that are subject to change. Chapter 251 is amended to update the certification program and to modernize references to the qualification standards of the program. This includes the title of the certification and accreditation program (previously known as the Iowa fire service certification system) as well as certification standard cross references. Additionally, Chapter 251 is amended to remove references to specific NFPA editions and instead refer broadly to the adopted edition. This change has been made to allow the fire service training bureau to adopt an updated edition without changing administrative rules. Chapter 259 is amended to update contact information and clarify the process for application and how the application process is organized within the Department.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 3, 2019, as **ARC 4522C**. No public comments were received. In the proposed amendment to paragraph 251.202(7)“a,” the word “awareness” was stricken and the word “operations” was added. That amendment was not adopted. Also, two other instances of “operations” were changed to “awareness” in paragraph 251.202(7)“a.”

*Adoption of Rule Making*

This rule making was adopted by the Department on August 7, 2019.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 661—10.222(17A).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on October 2, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend **661—Chapter 53** as follows:

CHAPTER 53  
FIRE SERVICE TRAINING BUREAU

**661—53.1(78GA, HF2492 80) Fire service training bureau.** There is established within the state fire marshal division a fire service training bureau, with responsibility for instructing the general public and fire protection personnel throughout the state, providing service to public and private fire departments in the state, conducting research in the methods of maintaining and improving fire and other emergency services education consistent with the needs of Iowa communities, and performing any other functions assigned to the bureau by the state fire marshal in consultation with the state fire service and emergency response council.

~~The fire service training bureau is located at 3100 Fire Service Road, Ames, Iowa 50010-3100. The bureau can be contacted by telephone at (888)469-2374 (toll free) or at (515)294-6817, by fax at (800)722-7350 (toll free) or (515)294-2156, or by electronic mail at [fstbinfo@dps.state.ia.us](mailto:fstbinfo@dps.state.ia.us).~~

**661—53.2(78GA, HF2492 80) Programs, services, and fees.**

**53.2(1) to 53.2(4)** No change.

These rules are intended to implement ~~2000 Iowa Acts, House File 2492~~ Iowa Code section 80.9.

ITEM 2. Amend rule 661—251.1(100B) as follows:

**661—251.1(100B) Definitions.** The following definitions apply to rules 661—251.1(100B) to 661—251.204(100B):

“*Emergency incident*” means any incident involving a fire or other hazardous situation to which personnel of a fire department respond.

“*NFPA*” means the National Fire Protection Association, ~~Batterymarch Park, Quincy, MA 02269. References to the form “NFPA xx,” where “xx” is a number, refer to the NFPA standard or pamphlet of the corresponding number.~~

“*Structural fire fighting*” means fire fighting in a hazardous environment which requires the use of self-contained breathing apparatus.

ITEM 3. Amend rule 661—251.101(100B) as follows:

**661—251.101(100B) Minimum training standard.** Any member of a fire department shall have completed the training requirements identified in the job performance requirements for the fire fighter I classification in NFPA 1001, Standard for Fire Fighter Professional Qualifications, ~~2008 edition, chapter 5~~ based on the current edition adopted by the fire service training bureau, prior to the member's engaging in structural fire fighting. Each fire department shall identify its members who are or will be engaged in structural fire fighting and shall ensure that any member engaged in structural fire fighting has completed the training requirements specified in this rule prior to the member's engaging in structural fire fighting.

NOTE: A fire fighter is not required to be certified to meet this requirement. Training to meet this requirement may be provided by the fire service training bureau, a community college, a regional fire training facility, or a local fire department, or any combination thereof.

EXCEPTION 1: A fire fighter who received training which complied with the job performance requirements for the fire fighter I classification contained in an earlier edition of NFPA 1001 shall be deemed to have met this requirement, provided that records documenting the training are maintained in accordance with rule 661—251.104(100B).

EXCEPTION 2: The chief or the training officer of any fire department may apply to the state fire marshal by June 1 of any year for an extension of the deadline to meet the training requirement for members of the department engaged in structural fire fighting. Any such extension shall be for one year and may be renewed annually upon application. An extension shall be granted only if the department has requested training required under this rule, with training costs to be offset through funding from the fire fighting training and equipment fund, pursuant to 661—Chapter 259, and funds to offset the cost of the training have not been available or have been inadequate to fully offset the cost of the training. The extension may be for all or some of the fire fighters in the department. The application shall be in a form specified by the state fire marshal and shall list by name each fire fighter for whom an extension is requested. The extension, if granted, shall list by name the fire fighters to whom the extension applies and shall apply only to those listed.

ITEM 4. Amend rules 661—251.201(100B) and 661—251.202(100B) as follows:

**661—251.201(100B) Fire fighter certification and accreditation program.** There is established within the fire service training bureau of the state fire marshal division a fire fighter certification program for the state of Iowa, which shall be known as the Iowa fire service certification system certification and accreditation program. The Iowa fire service certification system certification and accreditation program is accredited by the National Board on Fire Service Professional Qualifications (PROBOARD) and the International Fire Service Accreditation Congress (IFSAC) to certify fire service personnel to accepted national standards. All certifications issued by the Iowa fire service certification system certification and accreditation program shall be based upon nationally accepted standards.

NOTE 1: Participation in the Iowa fire service certification system certification and accreditation program is voluntary ~~in that, and~~ state law does not require certification to work or volunteer as a fire fighter in Iowa. However, some fire departments within the state require certification for continued employment or promotion. Inquiries regarding such requirements should be directed to the hiring or employing department.

NOTE 2: Inquiries and requests regarding the Iowa fire service certification system certification and accreditation program should be directed to Iowa Fire Service Certification System, Fire Service Training Bureau, 3100 Fire Service Road, Ames, Iowa 50010-3100. The bureau can be contacted by telephone at (888)469-2374 (toll-free) or at (515)294-6817, by fax at (800)722-7350 (toll-free) or (515)294-2156, or by electronic mail at fstbinfo@dps.state.ia.us. Further information can be found on the Web site for the fire service training bureau at www.state.ia.us/government/dps/fm/fstb the fire service training bureau.

**251.201(1) Eligibility.** Any person seeking certification through the Iowa fire service certification system certification and accreditation program shall be a current member of a fire, emergency, or rescue organization within the state of Iowa and shall be at least 18 years of age.

EXCEPTION: Persons not meeting the requirement of membership in a fire, emergency, or rescue organization may be granted exceptions to this requirement on an individual basis. Individuals seeking such exceptions shall address these requests to the fire service training bureau.

**251.201(2) Application.** Application forms for each level of fire fighter certification may be obtained from the fire service training bureau, ~~or on the bureau's Web site at www.state.ia.us/government/dps/fm/fstb~~. In order to enter the certification and accreditation program, an applicant shall submit a completed application, accompanied by the required fee, to the fire service training bureau. The fee must accompany the application form, although a purchase order from a public agency or private organization may be accepted in lieu of prior payment. The application

and fee shall be submitted no less than two weeks prior to the date of any examination in which the applicant wishes to participate.

**661—251.202(100B) Certification standards.** Standards for ~~Iowa fire fighter certification~~ the certification and accreditation program are based upon nationally recognized standards established by the National Fire Protection Association (NFPA), ~~1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101.~~ Certification at each level in the Iowa fire service certification system results in national certification ~~as well.~~

**251.202(1) Fire fighter.**

a. *Fire fighter I.* Certification as a fire fighter I is based upon the requirements for fire fighter I certification established in NFPA 1001, “Standard for Fire Fighter Professional Qualifications,” 2008 edition, ~~chapter 5~~ current edition adopted by the fire service training bureau.

b. *Fire fighter II.* Certification as a fire fighter II is based upon the requirements for fire fighter II certification established in NFPA 1001, “Standard for Fire Fighter Professional Qualifications,” 2008 edition, ~~chapter 6~~ current edition adopted by the fire service training bureau.

**251.202(2) Driver/operator.**

a. *Driver/operator (pumper).* Certification as a driver/operator (pumper) is based upon the requirements for fire department vehicle driver/operator (pumper) certification established in NFPA 1002, “Standard ~~on~~ for Fire Apparatus Driver/Operator Professional Qualifications,” 2009 edition, ~~chapter 5~~ current edition adopted by the fire service training bureau.

b. *Driver/operator (aerial).* Certification as a driver/operator (aerial) is based upon the requirements for fire department vehicle driver/operator (aerial) certification established in NFPA 1002, “Standard ~~on~~ for Fire Apparatus Driver/Operator Professional Qualifications,” 2009 edition, ~~chapter 6~~ current edition adopted by the fire service training bureau.

**251.202(3) Fire officer.**

a. *Fire officer I.* Certification as a fire officer I is based upon the requirements for fire officer I certification established in NFPA 1021, “Standard for Fire Officer Professional Qualifications,” 2009 edition, ~~chapter 4~~ current edition adopted by the fire service training bureau.

b. *Fire officer II.* Certification as a fire officer II is based upon the requirements for fire officer II certification established in NFPA 1021, “Standard for Fire Officer Professional Qualifications,” 2009 edition, ~~chapter 5~~ current edition adopted by the fire service training bureau.

**251.202(4) Fire inspector.** Certification as a fire inspector I is based upon the requirements for certification as a fire inspector I established in NFPA 1031, “Standard for Professional Qualifications for Fire Inspector and Plans Examiner,” 2009 edition, ~~chapter 4~~ current edition adopted by the fire service training bureau.

**251.202(5) Fire investigator.** Certification as a fire investigator is based upon the requirements for certification as a fire investigator established in NFPA 1033, “Standard for Professional Qualifications for Fire Investigator,” 2009 edition, ~~chapter 4~~ current edition adopted by the fire service training bureau.

**251.202(6) Fire service and emergency services instructor.**

a. *Fire service and emergency services instructor I.* Certification as a fire ~~service and emergency services~~ instructor I is based upon the requirements for certification as a fire ~~service and emergency services~~ instructor I established in NFPA 1041, “Standard for Fire ~~Service and Emergency Services~~ Instructor Professional Qualifications,” 2007 edition, ~~chapter 4~~ current edition adopted by the fire service training bureau.

b. *Fire service and emergency services instructor II.* Certification as a fire ~~service and emergency services~~ instructor II is based upon the requirements for certification as a fire ~~service and emergency services~~ instructor II established in NFPA 1041, “Standard for Fire ~~Service and Emergency Services~~ Instructor Professional Qualifications,” 2007 edition, ~~chapter 5~~ current edition adopted by the fire service training bureau.

**251.202(7) Responder to hazardous materials incidents.**

a. *Responder to hazardous materials incidents (awareness).* ~~Certification~~ Prior to October 1, 2019, certification as a responder to hazardous materials incidents (awareness) is based upon the

requirements for certification as a responder to hazardous materials incidents (awareness) established in NFPA 472, “Standard for Professional Competence of Responders to Hazardous Materials Incidents/Weapons of Mass Destruction Incidents,” ~~2008 edition, chapter 4~~ current edition adopted by the fire service training bureau. Beginning on October 1, 2019, certification as a responder to hazardous materials incidents (awareness) is based upon the requirements for certification as a responder to hazardous materials incidents (awareness) established in NFPA 1072, “Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications,” current edition adopted by the fire service training bureau.

*b. Responder to hazardous materials incidents (operations).* ~~Certification~~ Prior to October 1, 2019, certification as a responder to hazardous materials incidents (operations) is based upon the requirements for certification as a responder to hazardous materials incidents (operations) established in NFPA 472, “Standard for Professional Competence of Responders to Hazardous Materials Incidents/Weapons of Mass Destruction Incidents,” ~~2008 edition, chapter 5, sections 6.2 through 6.2.5.1 and sections 6.4 through 6.4.6.1~~ current edition adopted by the fire service training bureau. Beginning on October 1, 2019, certification as a responder to hazardous materials incidents (operations) is based upon the requirements for certification as a responder to hazardous materials incidents (operations) established in NFPA 1072, “Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications,” current edition adopted by the fire service training bureau.

ITEM 5. Amend rule 661—251.204(100B) as follows:

**661—251.204(100B) Certification, denial, and revocation of certification.**

**251.204(1) and 251.204(2)** No change.

**251.204(3) Revocation.** The ~~fire marshal~~ fire service training bureau may revoke the certification of any individual who is found to have knowingly provided false information to the fire service training bureau during the certification process or to have engaged in fraudulent activity during the certification process.

**251.204(4) Appeals.** Any person who is denied certification or whose certification is revoked may appeal the denial or revocation. An appeal of a denial or revocation of certification shall be made to the commissioner of public safety within 30 days of the issuance of the denial or revocation using the contested case procedures specified in ~~661—Chapter 10~~ rules 661—10.301(17A) through 661—10.332(17A).

ITEM 6. Amend rules 661—259.101(17A,77GA,ch1222) to 661—259.103(17A,77GA,ch1222) as follows:

**661—259.101(17A,77GA,ch1222) Establishment of fund.** There is established in the state fire marshal division the volunteer fire fighter training and equipment fund. The fund, to the extent of appropriations made available in each state fiscal year, shall provide support for the training and equipment needs of volunteer fire fighters. Funding is available to individual fire departments for equipment and to organizations or individuals delivering training to support courses available at no cost to volunteer fire fighters receiving the training or to their respective departments.

**259.101(1) Advisory committee.** The state fire marshal may establish a volunteer fire fighter training and equipment fund advisory committee of persons knowledgeable about the training and equipment needs of volunteer fire fighters and volunteer fire departments to advise on allocation of moneys from the volunteer fire fighter training and equipment fund, including the selection of recipients in competitive situations.

**259.101(2)** Reserved.

**661—259.102(17A,77GA,ch1222) Allocations.**

**259.102(1) Administrative allocation.** Each year, the state fire marshal shall allocate a portion of the funds appropriated to the volunteer fire fighter training and equipment fund for administration of the fund, including personnel expenses. A portion of the administrative allocation shall be made available

to the fire service training bureau to defray the cost of maintaining records of course attendance and completion by volunteer fire fighters and for related expenses.

**259.102(2) *Allocation to fire service training bureau.*** The state fire marshal may allocate a portion of the moneys appropriated to the volunteer fire fighter training and equipment fund in any year to the fire service training bureau for the purpose of delivering training courses offered by the fire service training bureau to volunteer fire fighters at no cost to the volunteer fire fighters or their respective fire departments.

**259.102(3) *Allocation for equipment purchases.*** The state fire marshal may allocate a portion of the moneys appropriated to the volunteer fire fighter training and equipment fund in any year to equipment purchases for volunteer fire departments. Awards of funding to volunteer fire departments for equipment purchases shall be on a competitive basis within guidelines published in an announcement of the availability of these funds.

**259.102(4) *Allocation to community college consortium.*** The state fire marshal may allocate a portion of the moneys appropriated to the volunteer fire fighter training and equipment fund in any year to a consortium of community colleges to deliver training to volunteer fire fighters at no cost to the fire fighters receiving this training or to their respective fire departments. These funds shall be administered in accordance with an agreement entered into between the department of public safety and community colleges pursuant to Iowa Code chapter 28E.

**661—259.103(17A,77GA,ch1222) Awards to private providers of training.** Funds appropriated each year to the volunteer fire fighter training and equipment fund which remain after the allocations set forth in rule 661—259.102(17A,77GA,ch1222) have been implemented shall be awarded on a competitive basis to private providers of training to provide training to volunteer fire fighters at no cost to the fire fighters receiving the training or to their respective fire departments.

**259.103(1) *Funding requests.*** Requests for funding of training courses instructed by private persons shall be submitted to the ~~Volunteer Fire Fighter Training and Equipment Fund, Fire Marshal Division, Department of Public Safety, 217 East 7th, Des Moines, Iowa 50319, in a format specified by the fire marshal~~ fire service training bureau. Requests for funding in any state fiscal year must be received on or before July 15 following the beginning of the fiscal year on July 1.

EXCEPTION: If moneys which have been previously unexpended become available for additional training courses during the course of a fiscal year, notice shall be given to certified fire ~~service and emergency services~~ instructors of the availability of these moneys. In this event, the deadline for receiving applications shall be as stated in the notice of availability.

**259.103(2) *Instructor qualifications.*** Any person instructing a training course paid for by the volunteer fire fighter training and equipment fund shall be certified as a fire ~~service and emergency services~~ instructor by the fire service training bureau or another organization recognized by the National Board on Fire Service Professional Qualifications, ~~P.O. Box 690632, Quincy, Massachusetts 02269, System or the International Fire Service Accreditation Congress, 1700 W. Tyler, Oklahoma State University, Stillwater, Oklahoma 74078-8075.~~

EXCEPTION: A person who has applied to the fire service training bureau for certification as a fire ~~service and emergency services~~ instructor I and who is actively pursuing such certification may instruct a training course paid for by the volunteer fire fighter training and equipment fund, provided that the instruction is delivered under the direct supervision of a person who is currently certified as a fire ~~service and emergency services~~ instructor I by the fire service training bureau or by another organization recognized by the National Board on Fire Service Professional Qualifications System or the International Fire Service Accreditation Congress.

**259.103(3) *Course approval.*** Each course paid for by the volunteer fire fighter training and equipment fund must have previously been approved by the fire service training bureau. Any person who is certified as a fire ~~service and emergency services~~ instructor I or who is actively pursuing certification as a fire ~~service and emergency services~~ instructor I should contact the fire service training bureau for information about the course approval process at the following address: ~~Fire Service Training Bureau, 3100 Fire Service Rd., Ames, Iowa 50011-3100.~~

**259.103(4) and 259.103(5)** No change.

ITEM 7. Amend **661—Chapter 259**, rule implementation sentence, as follows:  
~~These rules~~ Rules 661—259.101(17A,77GA,ch1222) to 661—259.103(17A,77GA,ch1222) are intended to implement 1998 Iowa Acts, chapter 1222, section 19(8).

ITEM 8. Amend rules 661—259.104(100B) and 661—259.105(80GA,ch1175) as follows:

**661—259.104(100B) Paul Ryan memorial fire fighter safety training fund.** Funds collected from the sale of special fire fighter license plates and deposited to the Paul Ryan memorial fire fighter safety training fund shall be utilized by the fire service training bureau to defray the cost of training provided to any fire fighter currently employed by or serving as a volunteer with any fire department in Iowa. Application of these funds shall be limited to defraying the cost of training courses approved for reimbursement from the volunteer fire fighter training and equipment fund established in rule 661—259.101(17A,77GA,ch1222).

This rule is intended to implement Iowa Code ~~Supplement~~ section 100B.12.

**661—259.105(80GA,~~ch1175~~ 100B) Volunteer fire fighter preparedness fund.** Funds appropriated to the volunteer fire fighter preparedness fund pursuant to ~~2004 Iowa Acts, Senate File 2298, section 434,~~ Iowa Code section 100B.13 shall be utilized by the fire service training bureau to defray the cost of training provided to fire fighters currently serving as volunteers with any fire department in Iowa. Application of these funds shall be limited to defraying the cost of training courses approved for reimbursement from the volunteer fire fighter training and equipment fund established in rule 661—259.101(17A,77GA, ch1222).

This rule is intended to implement ~~2004 Iowa Acts, chapter 1175, section 434~~ Iowa Code section 100B.13.

ITEM 9. Amend rule 661—259.201(80GA,ch177) as follows:

**661—259.201(80GA,ch177) Fire fighting equipment revolving loan fund.** There is established in the fire service training bureau in the state fire marshal division the fire fighting equipment revolving loan fund.

ITEM 10. Amend rules 661—259.203(80GA,ch177) to 661—259.207(80GA,ch177) as follows:

**661—259.203(80GA,ch177) Definitions.** For purposes of rules 661—259.201(80GA,ch177) to 661—259.207(80GA, ch177), the following definitions apply:

“Default” or “in default” means that more than one payment on a loan is currently due.

“Local fire department” means a paid, volunteer, or combination fire protection service provided by a benefited fire district under Iowa Code chapter 357B or by a county, municipality or township, or a private corporate organization that has a valid contract to provide fire protection service for a benefited fire district, county, municipality, township or governmental agency. “Local fire department” does not include a military or private industrial fire department or service.

“NFPA” means the National Fire Protection Association, ~~Batterymarch Park, Quincy, MA 02269.~~ References to the form “NFPA xx,” where “xx” is a number, refer to the NFPA standard or pamphlet of the corresponding number.

“PASS” means personal alert safety system.

“SCBA” means self-contained breathing apparatus.

**661—259.204(80GA,ch177) Application process.**

**259.204(1) Notice of availability of funds.** Whenever funds are available for loans through the fire fighting equipment revolving loan fund, the ~~department~~ fire service training bureau shall publish notice of the availability of those funds in the Iowa Administrative Bulletin and shall notify fire service organizations, including, but not limited to, the Iowa Firemen’s Association, the Iowa Fire Chiefs Association, and the Iowa Association of Professional Fire Chiefs, of the availability of those funds, the procedure for applying for loans through the program, the deadline for applying for funds, and the provisions of rules 661—259.201(80GA,ch177) to 661—259.207(80GA, ch177). All local fire

departments in Iowa known to the fire service training bureau shall receive notice by mail or, when available, electronic mail. In addition, notice of availability of funds and the application procedure shall be published on the department's ~~Web-site~~ website.

~~EXCEPTION: No separate notice of availability of funds shall be published in the Iowa Administrative Bulletin for the initial round of loan application and review. The schedule for the initial loan application and review process is as follows:~~

- ~~1. The application process officially opens on January 15, 2004;~~
- ~~2. The deadline for submitting applications to be considered in the initial round is March 1, 2004;~~
- ~~and~~
- ~~3. The target date for the fire marshal to announce decisions regarding the first round of applications is April 1, 2004.~~

**259.204(2)** No change.

**259.204(3)** *Loan application review.*

a. ~~The state fire marshal, or another staff member of the fire marshal division designated by the fire marshal, and the chief of the fire service training bureau, or another staff member of the fire service training bureau designated by the bureau chief, shall review each application for completeness and compliance with rules 661—259.201(80GA,ch177) to 661—259.207(80GA,ch177). The fire marshal may assign additional staff of the fire marshal division to review applications and may request assistance from other employees of the department of public safety in the review process.~~

b. The state fire service and emergency response council, or a subcommittee of the council established for this purpose, shall serve as an advisory committee to the state fire marshal in the loan application review process, and shall recommend to the state fire marshal funding, partial funding, or denial of each application. Recommendations regarding loan applications shall be based upon availability of funds in relation to the total funds requested by eligible applicants, documentation of need for the proposed purchase or repair, and documentation of likely ability of the local fire department applying for a loan to repay the loan.

c. Decisions to award or not to award loans shall be made by the state fire marshal.

**259.204(4)** *Appeals.* If a local fire department's application is denied or partially funded by the state fire marshal, the department may appeal the decision of the state fire marshal to the commissioner of public safety using procedures for appeals set out in 661—Chapter 10.

**661—259.205(80GA,ch177) Allowable acquisitions.** Loans from the fire fighting equipment revolving loan fund may be used to acquire the following equipment or repair services with the limitations indicated:

1. Fire fighting apparatus, including pumpers, tankers, ladder trucks, hazardous materials emergency response vehicles, or rescue vehicles. Any apparatus obtained with loan funds must comply with applicable NFPA standards, as identified by the state fire marshal. Loans in this category may be awarded in amounts between \$25,000 and \$150,000.

2. Personal protective equipment and communications equipment, including personal protective clothing (structural and wild land) that includes helmets, coats, boots, pants, eye protection, gloves, and protective hoods; SCBA with integrated PASS devices; and radio communications devices. Radio communications devices obtained with loan funds must be interoperable with equipment utilized by agencies with which the agency obtaining the equipment has mutual aid agreements, if such interoperable equipment is available. Equipment obtained must comply with applicable NFPA standards, as identified by the state fire marshal. Loans for purchase in this category are limited to amounts between \$10,000 and \$50,000.

3. Repairs made to apparatuses identified in paragraph "1." Loans in this category are limited to amounts between \$10,000 and \$50,000.

4. Purchase of accessory equipment, including fire suppression equipment such as hoses, ladders, small fireground tools, ventilation equipment, or vehicle extrication and rescue equipment. Equipment obtained with loan funds must comply with applicable NFPA standards, as identified by the state fire marshal. Loans in this category are limited to amounts between \$10,000 and \$50,000.



5. The state fire marshal, acting on the advice of the fire service and emergency response council, may establish priorities for funding through the revolving loan fund. If such priorities are established, they will be included in the notice of availability of funds and shall be utilized only if the total amount of funding requested exceeds the total of funds available to loan.

**661—259.206(80GA,ch177) Eligibility requirements and restrictions.**

**259.206(1)** and **259.206(2)** No change.

**259.206(3)** All successful loan applicants shall comply fully with the fire incident reporting requirements of the state fire marshal division.

**259.206(4)** No loan shall be made to a local fire department serving a population in excess of 30,000 people which will result in excess of 50 percent of the total funds loaned at any given time being loaned to local fire departments serving populations in excess of 30,000 people, unless the state fire marshal finds that there are no eligible applications pending from local fire departments serving populations of 30,000 people or less.

**259.206(5)** Following approval, loan funds will be provided only after the local fire department receiving the loan submits documentation showing that the department has either acquired, contracted for, or issued a purchase order for the equipment. Disbursement of the loan shall be in the form of a warrant payable either to the local fire department and the vendor or vendors supplying the equipment or repair services, or solely to the vendor or vendors, or, with the approval of the state fire marshal, solely to the local fire department receiving the loan.

**259.206(6)** to **259.206(8)** No change.

**661—259.207(80GA,ch177) Loan origination fee and repayment schedule.**

**259.207(1)** No change.

**259.207(2)** A repayment schedule for each loan shall be established at the time the loan is awarded, with a minimum of two payments per year for the duration of the loan. Generally, loans of \$50,000 or less shall be repaid within a five-year period, and loans of more than \$50,000 shall be repaid within a ten-year period, although the state fire marshal may allow variations for good cause. There will be no penalty for early payment. Each payment shall be by warrant, check, or money order made payable to Fire Service Training Bureau, Iowa Department of Public Safety, and shall be clearly marked “Repayment of Loan from Fire Fighting Equipment Revolving Loan Fund.”

**259.207(3)** During any period when a loan is in default, there shall be a penalty of 1.5 percent of the remaining unpaid principal of the loan per month added to the amount of the loan.

ITEM 11. Amend rules 661—259.301(100B) and 661—259.302(100B) as follows:

**661—259.301(100B) Regional training center program.**

**259.301(1)** There is established in the state fire marshal division the regional emergency response training center program. The program shall operate under the authority of the state fire marshal and shall operate within the fire service training bureau. Day-to-day administration of the program shall be under the supervision of the chief of the fire service training bureau.

**259.301(2)** The purposes of the regional emergency response training center program are:

*a.* To administer funds appropriated for the program as directed by the general assembly, under the direction of the state fire marshal, and in cooperation with the state fire service and emergency response council.

*b.* To develop training curricula in cooperation with regional emergency response training facilities.

*c.* To encourage cooperation among regional emergency response training facilities, between regional emergency response training facilities and the fire service training bureau, and among the fire service training bureau, regional emergency response training facilities, and other providers of training to emergency responders.

**661—259.302(100B) Definitions.** The following definitions apply to rules 661—259.301(100B) through 661—259.305(100B):

“*Allocated funds*” means funds allocated by the general assembly for the construction of a particular regional emergency response training center.

“*Bureau*” means the fire service training bureau in the state fire marshal division of the department of public safety.

“*Competitive funds*” means funds which are appropriated or otherwise available to the regional emergency response training center program for construction of regional emergency response training facilities, but which are not designated by the general assembly for the use of a particular regional emergency response training center.

“*Department*” means the department of public safety.

“*Division*” means the state fire marshal division of the department of public safety.

“*Lead agency*” means one of the community colleges identified as lead agencies in Iowa Code section ~~100B.22, subsection 1~~ 100B.22(1).

“*Partner agency*” means one of the agencies identified as partners in Iowa Code section ~~100B.22, subsection 1~~ 100B.22(1).

“*Regional emergency response training center*” means one of the centers identified in Iowa Code section ~~100B.22, subsection 1~~ 100B.22(1).

“*Training facility*” includes, but is not limited to, the following:

1. Burn building.
2. Smokehouse.
3. Drill tower.
4. Skills building.
5. Training pads with specialized training props.
6. Maintenance facilities.

ITEM 12. Amend rules 661—259.304(100B) and 661—259.305(100B) as follows:

**661—259.304(100B) Application process.**

**259.304(1) Applications for funds.**

a. Application for either allocated funds or competitive funds shall be submitted to the fire service training bureau on a form specified by the state fire marshal.

b. Each lead agency may submit a completed application for allocated funds.

c. Any lead agency may submit a completed application for competitive funds. An application for competitive funds shall be submitted separately from an application from the same lead agency for allocated funds.

d. Each completed application shall be signed by an official of the lead agency authorized to enter into contracts on behalf of the lead agency and shall be signed by an official of each partner of the lead agency, each of whom shall be a person authorized to enter into contracts on behalf of the partner agency.

e. Each application shall be accompanied by at least two letters of support from public or private agencies employing emergency responders and located in the area to be served by the regional emergency response training center.

f. Each application shall include signed assurances stating that the lead agency, the partner agency or agencies, if any, and the regional emergency response training center shall comply with all federal and state laws applicable to the administration of any funds awarded, the planning, design, and construction of the regional emergency response training center, and the operation of the center after construction is completed.

g. All information required on the application shall be completed, and all attachments required by the state fire marshal shall be submitted with the application. An application shall not be considered complete unless the application is in compliance with this paragraph.

h. The deadline for submission of each completed application for funding during a state fiscal year is September 15 of that fiscal year.

EXCEPTION: If funds remain available for distribution through the regional emergency response training center program after all applications received by the September 15 deadline have been processed, the state fire marshal may conduct an additional application process during the same fiscal year. If such an additional application process is conducted, an announcement of the availability of funds, specifying the deadline for receipt of applications and other instructions for applying for funds, shall be provided to all regional emergency response training centers and shall be published in the Iowa Administrative Bulletin.

**259.304(2)** No change.

**661—259.305(100B) Processing of submitted applications.**

**259.305(1)** All completed applications received shall be reviewed by the state fire service and emergency response council or by a subcommittee of the council appointed by the state fire marshal in consultation with the chair of the council. The council or subcommittee shall recommend funding, partial funding, or denial of each application to the state fire marshal.

**259.305(2)** After receiving the recommendations of the council or subcommittee, the state fire marshal shall make a determination as to whether funding will be awarded in whole or in part for each application or whether the application will be denied. Each applicant shall be notified promptly of the disposition of the applicant's application. If the application is denied or partial funding is awarded, the applicant shall be informed as to the reasons for the denial or partial funding. Applications for funding shall be evaluated based on the criteria for funding included in Iowa Code section ~~400B.22, subsection 3,~~ 100B.22(3) and any applicable criteria for establishing priority for the funding established by the general assembly. Competitive funding may not be used for facilities the primary purpose of which is to provide advanced training.

**259.305(3) Appeals.**

*a.* An applicant who is denied funding or whose application is funded in part may appeal this decision to the state fire marshal. Such an appeal shall be treated as a contested case subject to the provisions of rules ~~661—10.301(17A) through 661—10.322(17A)~~ 661—10.332(17A), except that the request for an appeal shall be filed with the State Fire Marshal Division, Department of Public Safety Building, 215 East 7th Street, Des Moines, Iowa 50319, and wherever “commissioner” or “commissioner of public safety” appears, “state fire marshal” shall be substituted.

*b.* Prior to appealing a decision, the applicant may submit a revised application to the state fire marshal. If an applicant intends to submit a revised application, the applicant shall so notify the state fire marshal within the time frame established for filing an appeal. Upon receipt of a revised application, the state fire marshal shall cause the revised application to be processed in accordance with subrules ~~259.305(1) and 259.305(2)~~. If a revised application is denied or funded in part, the applicant may appeal in accordance with paragraph “a” of this subrule.

ITEM 13. Amend **661—Chapter 259**, Division III, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 100B ~~as amended by 2007 Iowa Acts, House File 911.~~

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/28/19.